

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Chapter: 13
Case No.: 10-56614
Judge: Shefferly

VITO & JEANETTE CANGEMI,
Debtor(s)

OBJECTION TO PROOF OF CLAIM
OF DISCOVER BANK

Now comes Debtor, through counsel and states:

1. Discover Bank, (hereafter "Creditor"), filed a Proof of Claim dated May 27, 2010, 2010.
2. Creditor's, Proof of Claim #3 lists a claim in the amount of \$5,388.45.
3. Debtor objects to the claim as the claim fails to include any proper documentation in support of the claim as required.

Wherefore, debtor requests that the court disallow the claim of Discover Bank and any other action it deems necessary.

Dated: August 6, 2010

/s/ Christopher E. Frank
Christopher E. Frank (P67169)
Attorneys for Debtor
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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re:

Chapter: 13
Case No.: 10-56614
Judge: Shefferly

VITO & JEANETTE CANGEMI,
Debtor(s)

NOTICE OF OBJECTION TO CLAIM OF DISCOVER BANK

Debtor(s), through counsel, has/have filed an objection to the claim of Discover Bank this bankruptcy case.

Your claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to deny or change your claim, then on or before September 9, 2010, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position at:

United States Bankruptcy Court
211 West Fort Street, Suite 2100
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. You must also mail a copy to:

Christopher E. Frank, 117 W. 4th Street, Ste 201, Royal Oak, MI 48067;

Krispen Carroll, 719 Griswold, 1100 Dime Bldg, Detroit, MI 48226;

2. Attend the hearing on the objection, scheduled to be held on September 21, 2010, at 9:00 a.m. in Courtroom 1975, United States Bankruptcy Court, 211 W. Fort Street, Detroit, Michigan, unless your attendance is excused by mutual agreement between yourself and the objector's attorney.

If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be canceled, and the objection sustained.

Dated: August 6, 2010

/s/ Christopher E. Frank
Christopher E. Frank (P67169)
Attorney for Debtors
117 W. 4th Street, Ste 201
Royal Oak, MI 48067
248-677-7445

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

In Re: Chapter: 13
VITO & JEANETTE CANGEMI, Case No.: 10-56614
Debtor(s) Judge: Shefferly

VITO & JEANETTE CANGEMI,
Debtor(s)

**ORDER GRANTING OBJECTION TO PROOF OF CLAIM
OF DISCOVER BANK**

This matter having come on for hearing before the Court by way of the objection of the debtor to the allowance of the claim of the above-referenced creditor, service having been made with notice of hearing allowing a (30) day notice pursuant to Bankruptcy Rule 3007, a Notice of Objection having been served and a certificate of non-response having been filed with the court;

NOW THEREFORE IT IS HEREBY ORDERED THAT;

The objection to the Proof of Claim filed by the above-referenced creditor is hereby granted. To the extent that the Chapter 13 Standing Trustee has previously made disbursements to such creditor, the Trustee shall not be obligated to recoup same.

IT IS FURTHER ORDERED AS FOLLOWS: [Only provisions checked below apply]

[X] Claim shall be disallowed.

[] Claim shall be unsecured.

[] Claim shall be reduced

[] Other:

Dated: _____

U.S. BANKRUPTCY COURT JUDGE

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re:

Chapter: 13
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VITO & JEANETTE CANGEMI,
Debtor(s)

PROOF OF SERVICE

On the August 6, 2010, a copy of the **Objection to Proof of Claim, Notice of Objection to Claim, Order for Objection to Claim** and this **Proof of Service** were mailed by first class service or via ECF filing to the following:

Krispen Carroll, Chapter 13 Trustee;

Discover Bank, DFS Services, LLC, POB 3025, New Albany, NY 43054

/s/ Christopher E. Frank
Christopher E. Frank (P67169)
Attorneys for Debtor
117 W. 4th Street, Ste 201
Royal Oak, MI 48067
(248) 677-7445